

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Douglas L. Rayes

Date: January 6, 2023

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

Assistant U.S. Attorney: Kevin Rapp and Coleen Schoch

Attorney for Defendant: Steve Dichter and Justin Vanderveer (Retained)

Interpreter: N/A

Defendant: ☒ Present (by VTC) ☐ Not Present ☐ Released ☒ Custody ☐ Summons

FINAL PRETRIAL CONFERENCE

1:00 p.m. Convene. Government counsel and Defense counsel present. Defendant present by video teleconference (VTC).

Oral argument heard regarding Defendant's Motion for Reconsideration (Doc. 480). IT IS ORDERED that Defendant's Motion for Reconsideration (Doc. 480) is GRANTED. Accordingly, Defendant's Motion to Sever and Bifurcate (Doc. 446) is also GRANTED. Counts 1-23, counts 24-26, and counts 27-34 of the Superseding Indictment, shall be tried separately.

Juror questionnaires are reviewed with the parties and finalized. Discussion held regarding the statement of the case, trial exhibits, and amended trial schedule for the bifurcated charges.

Upon discussion and oral argument, pending motions in limine are ruled on as follows:

Defendant's Motion in Limine #1 to Exclude RG, PC, JC, PH, DW, and KB from Governments Victims at Trial (Doc. 486) is DENIED.

Defendant's Motion in Limine #2 to Exclude Evidence and Testimony Related to Defendant's Alleged Omissions (Doc. 487) is DENIED.

The Government places the final plea offer on the record and the plea offer is rejected by the Defendant. Additional discussion held regarding the amended bifurcated trial schedule.

The Final Pretrial Conference is continued to January 24, 2023 at 2:00 p.m. The Court's ruling on the remaining motions in limine is deferred until additional oral argument is heard at the continued final pretrial conference.

2:34 p.m. Court is adjourned.

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LATER: IT IS ORDERED that the bifurcated trial for Counts 24-26 of the Second Superseding Indictment will commence on February 28, 2023 for a total of four (4) trial days. The trial for counts 27-34 will commence on March 7, 2023 for a total of four (4) trial days.

Court Reporter Jennifer Pancratz
Deputy Clerk Robert Vasquez

FPTC 1 hr, 34 min

Start: 1:00 PM

Stop: 2:34 PM